

REMARKS

The Office has required restriction in the present application as follows:

Group I, Claims 1-7, drawn to a process for assembling a tape.

Group II, Claims 8-10 drawn to a tube.

Applicants elect, with traverse, Group I, Claims 1-7 drawn to a process for assembling a tape.

The Examiner has indicated Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 they lack the same or corresponding special technical features. Claim 8 is obvious or anticipated by U.S. Patent 5,728,439, which discloses a tube. Hence, there is no contribution over the prior art and restriction is proper.

Applicants respectfully traverse the restriction requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims. Applicants point out that while the U.S. Patent may indeed disclosure a tube this feature alone does not link the two inventions since the process of assembling the tape of Group I requires additional limitations. For example, the patent does not disclose Applicants' claimed features of assembling a multi layered tape using fusion bonding. Therefore, since there is a contribution over the prior art, the restriction should be withdrawn.

Applicants further point out that under the PCT Rules a product and a process specifically adapted for the manufacture of said product do have Unity of Invention. Applicants' Group I is drawn to a process for assembling a tape and Group II is drawn to the product of a tube. Since these Groups specifically falls within this product and process of making category, there is Unity of Invention and all of claims should be examined in one application.

Moreover, the M.P.E.P. §803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the examiner must examine it on its merits even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office, particularly, since the International Search Authority did search all of the claims.

Accordingly and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

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